

REMARKS

Claims 1 to 9 and 12 to 17 are pending and stand rejected. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1 to 9 and 12 to 17 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. In rejecting these claims, the Examiner asserts that the meaning of "camping on" is not clear. One ordinary skilled in the art of the subject of the present application can readily appreciate that "camping on" refers to staying on a busy communications pathway to await availability of the pathway.

The Examiner further asserts that it is not clear to where or through which communication path the communications are redirected. The claims have been amended to indicate that the communications are redirected through an alternate communications pathway with said requested quality of service.

The Examiner further asserts that it is not clear whether the originating device or the destination device takes the alternate action. The amended claims clearly indicate that the call back and the camping on features are initiated by the originating multimedia device. Full support for these amendments can be found at, *inter alia*, page 9, lines 18 to 23 and page 10, lines 14 to 25, where it is clearly stated that these features are initiated at the originating multimedia device. Whether or not these features are carried out by another device, the features are first initiated, for example by selection, at the originating device.

Accordingly, applicant believes that claims 1 to 9 and 12 to 17 satisfy the requirements under 35 U.S.C. 112. Withdrawal of the rejection is respectfully requested.

Claims 1 to 9 and 12 to 17 have been rejected under 35 U.S.C. §103(a) as the Examiner asserts that these claims are unpatentable over U.S. Patent No. 6,223,222 to Fijolek in view of U.S. Patent No. 5,077,791 to Salihi and U.S. Patent No. 5,828,847 to Gehr.

The independent claims have been amended for the purpose of clarity and it is believed that these amended claims fully distinguish over the cited references.

In rejecting the claims, the Examiner asserts that Fijolek teaches all the claimed elements except for the alternative action including one of initiating a call back when said communications pathway is available at said requested quality of service, initiating camping on the communications pathway with said requested quality of service, and redirecting the communications through an alternate communications pathway with said requested quality of service. The Examiner asserts, however, that call back and queuing are well known as taught by Salihi and queuing (camping on) is well known as taught by Gehr.

The amended claims recite “wherein said alternative action includes one of initiating a call back when said communications pathway is available at said requested quality of service, initiating camping on the communications pathway with said requested quality of service, and redirecting the communications through an alternate communications pathway with said requested quality of

service". Thus, the presently claimed invention is used wherein callers do not simply establish connections. Instead, connections are established when the quality of service is adequate to fully support the multimedia communications.

U.S. Patent No. 5,077,791 to Salihi discloses a communications system for supporting encrypted and unencrypted transmissions. The communications system includes a communication resource controller that, if all communication resources are busy, calls back a subscriber unit awaiting communication resources, with a communication grant (when available).

In contrast with the present invention, Salihi simply teaches the calling back of a subscriber until when a communication resource is available. There is no teaching or suggestion in Salihi that the call back occurs when the communications pathway is available at said requested quality of service. Thus, a connection may still be established where the quality of service does not fully support the requirements.

U.S. Patent No. 5,828,847 to Gehr discloses a fault-tolerant client server system architecture in which requests are redirected to alternate servers when a service is unavailable. This is carried out by maintaining a list including a primary server for the client and the preferred communication method as well as a hierarchy of successive alternate servers and communication methods. Thus, Gehr discloses the use of a list of alternate server and communication method pairs.

In contrast with the present invention, Gehr fails to disclose redirecting communications through an alternate communications pathway with said

requested quality of service. Gehr discloses only redirecting communications. There is no disclosure that the alternate communications pathway to which communications is redirected, has the requested quality of service. The list taught by Gehr is simply traversed until communications can be completed using an alternate server-communication method pair. This alternate server-communication method pair does not relate to any requested quality of service. Instead, the alternate server-communication method pair simply relates to a previously defined list that may not provide the quality of service requested.

The Fijolek reference fails to address the deficiencies of the Salihi and Gehr references and accordingly, even when the references were combined, the combined teaching still fails to arrive at the presently claimed invention.

For the foregoing reasons, the above-identified application including claims 1-9 and 12-17 are patentable over the cited references, and is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully requested.

Respectfully submitted,



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